

# Woman in coma raped, now pregnant

By STEVE ORR  
and REGINALD FIELDS  
STAFF WRITERS

A woman who has been in a coma for a decade was raped in a Brighton nursing home and is now pregnant.

Her family reportedly has decided she should have the baby.

Sources said authorities are investigating several workers for fathering the child, including a man who was charged in November with sexual

## Inquiry under way at Brighton nursing home

by abusing another patient at the facility.

"It's a shocking, tragic fact — she is pregnant," said Joe Mahoney of the state attorney general's office in Albany. "Someone in her condition could not submit to sex."

The case could warrant a first-degree rape charge.

The assault on the 29-year-old patient is just one of a number of problems for the Westfall

Health Care Center, a privately owned residential care facility that opened just 13 months ago.

The home already has been cited twice by the state Department of Health for inadequate care, and the department is recommending it not be allowed to accept any new Medicare or Medicaid patients. Regulators say they will move in April to strip all federal insurance reimbursement unless drastic improvements are made.

And the first sexual abuse victim two weeks ago filed a \$4 million negligence suit against the institution and the accused assailant.

The rape victim is incapacitated because of a traumatic brain injury suffered in a vehicle accident 10 or 11 years ago.

Until recently she was cared for at the Westfall center at 5901 Lac DeVillie Blvd. She has been transferred to Strong Memorial Hospital.

The woman is between three and five months



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BRYAN WITTMAN (staff artist)

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## Coma

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pregnant, according to sources familiar with the case.

She will attempt to carry the baby to term, the sources said. "The family has said they want her to have the child," one source said.

Legally, an abortion would be permitted 26 weeks into a pregnancy if the mother's life were threatened.

Authorities investigating the case say they plan to wait until the child is born, at which time blood or DNA tests could identify the father.

Mahoney said his office and Brighton police will try to identify potential suspects. Authorities would have to have probable cause to force a suspect to take a court-ordered blood test.

In November, the attorney general and State Police arrested John L. Horace, 51, of 66 Fairbanks St. and charged him with sexually abusing a 49-year-old female resident of Westfall.

Horace also had been arrested in October for posing as a gynecologist and sex therapist and offering to conduct pelvic exams in the basement of a private residence. He is charged with both felony and misdemeanor unauthorized medical practice counts.

Horace was employed as a nurse's aide at Westfall in August and September, and had been assigned to work in the room of the woman he is accused of abusing on Sept. 12. The woman reported the abuse to other Westfall officials, and Horace apparently was fired by the home shortly thereafter.

That woman, claiming she suffers ongoing emotional trauma, is suing the center and Horace for \$4 million, according to court papers.

Sources say Horace also was the personal care orderly for the woman who has become pregnant. It is not clear if he has been interviewed by police about the matter. He is free on bail on his earlier charges and could not be reached for comment yesterday.

"We do have strong leads but it may still be a few months (before anything happens)," Mahoney said.

State health officials say they were told the nursing home conducted "extensive interviews with patients and staff" after the first abuse case came to light last fall. But apparently they did not uncover any evidence of the rape.

Nursing home officials began to suspect the woman's condition when they noticed her becoming visibly pregnant, Mahoney said.

On Dec. 31, having verified her pregnancy through a test, they called her family, the Brighton Police Department and the state Health Department, according to authorities.

Westfall officials were "shocked and saddened" when the learned of the case, said administrator Claudia Blumenstock yesterday.

"Unfortunately, nursing homes cannot provide full-time surveillance of our premises to prevent unforeseeable criminal acts," she said in a prepared statement. "We do our best to balance each resident's right to privacy with the right to security."

"We are working with the authorities to find the assailant," she said.

Blumenstock declined to discuss specifics of the matter. She said the 145-bed nursing home is owned by a

partnership formed by two local surgeons, Dr. Kenneth Ouriel and Dr. Richard M. Green, and an accountant, John J. Goehle.

The three owners are in the process of selling the facility to a non-profit company formed by the University of Rochester.

A UR Medical Center spokesman, David Irwin, confirmed that the university has applied for state permission to acquire and operate the home.

By definition, a person in a coma continues to have some brain activity but is unconscious and unresponsive to any outside stimulation. Comatose patients can appear to be sleeping or can appear "awake," and can display automatic responses such as coughing or yawning.

People can remain comatose for years but revive only in very rare cases.

Dr. Robert Tichell, a Rochester obstetrician who is not involved in caring for the woman, said he could not recall any identical cases.

"I suspect, though, with good physical maintenance, she could probably carry the pregnancy," he said. "She's basically an incubator."

Tichell said a woman in that situation would require extra nutrition and oxygen, plus additional medical care, to sustain herself and the fetus.

A comatose mother would be at higher risk due to blood clots due to her inactivity, he said, and it probably would be prudent to deliver the baby early via Caesarean section. □

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